

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TATIANA WESTBROOK, an individual;  
JAMES WESTBROOK, an individual; HALO  
BEAUTY PARTNERS, LLC, a Nevada Limited  
Liability Company,

Plaintiffs,

v.

KATIE JOY PAULSON, an individual;  
WITHOUT A CRYSTAL BALL, LLC, a  
Minnesota Limited Liability Company; and  
DOES 1 through 100, inclusive,

Defendants.

NO. 2:20-cv-01606-BJR

**JOINT STATUS REPORT AND  
DISCOVERY PLAN**

The Parties conducted a Federal Rule of Civil Procedure 26(f) conference on December 18, 2020. Pursuant to Federal Rule of Civil Procedure 26(f) and Local Civil Rule 26(f), the Parties submit this Joint Status Report and Discovery Plan.

**1. Discovery Plan pursuant to FRCP 26(f)(3).**

**A. Initial disclosures**

The Parties are filing a stipulation and proposed order to stay discovery, including the requirement for exchange of initial disclosures, pending the Court's decision on Defendants' Motion to Dismiss. That Stipulation and Proposed Order will include an exception that will

1 permit Plaintiffs to issue subpoenas for Lori Ann Barnhart's social media and internet content as  
2 well as her communications with Defendants that they believe may be lost in the absence of such  
3 subpoenas. If Defendants' Motion to Dismiss on the grounds of a lack of personal jurisdiction is  
4 denied, the Parties agree to exchange initial disclosures within 14 days after the Court's denial of  
5 the motion.

6 **B. Subjects, timing, and potential phasing of discovery**

7 The Parties presently do not seek to conduct discovery in phases. The Parties anticipate  
8 discovery on the subjects related to the claims asserted by Plaintiffs in the Complaint as well as  
9 discovery related to any defenses raised by Defendants. The Parties propose that discovery be  
10 completed 60 days before the trial date.

11 **C. Electronically stored information ("ESI")**

12 The Parties have agreed to use the Model Protocol for the Discovery of ESI. The Court  
13 also has signed a Stipulated Order (Dkt. no. 26) regarding the preservation of certain  
14 electronically-stored information.

15 **D. Privilege issues**

16 The Parties agree that, pursuant to FRCP 26(b)(5)(A), any claims of applicable privilege  
17 or protection will be made at the time of production and be accompanied by a privilege log that  
18 includes the privilege asserted, the date and description of the document, and the name and title  
19 of the author(s) and recipient(s).

20 The Parties also agree that, pursuant to FRCP 26(b)(5)(B), if information produced in  
21 discovery is subject to a claim of privilege or of protection as trial-preparation material, the party  
22 making the claim may notify any party that received the information of the claim and the basis  
23 for it. After being notified, a party must promptly return, sequester, or destroy the specified  
24 information and any copies it has; must not use or disclose the information until the claim is  
25 resolved; must take reasonable steps to retrieve the information if the party disclosed it before  
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being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

**E. Limitations on discovery**

The Parties agree that the Federal Rules of Civil Procedure and Local Civil Rules provide sufficient limitations on discovery and no additional limitations are needed or requested. In addition, the Parties contemplate that significant additional time than permitted by the Federal Rules of Civil Procedure and Local Civil Rules will be necessary to depose Defendants in this matter due to the quantity and length of videos and other content created by Defendants that are relevant to the claims and defenses in this case.

**F. Need for any discovery related orders**

The Parties anticipate the need for a discovery order expanding the time allowed for Defendants' depositions. As described above, the Parties have filed a stipulation and proposed order for a stay of discovery pending the Court's decision on Defendants' Motion to Dismiss. The Parties do not anticipate any need for additional discovery-related orders at this time.

**2. The parties' views, proposals, and agreements pursuant to LCR 26(f)(1)**

**A. Prompt case resolution**

The Parties may file dispositive motions to eliminate or narrow the issues for trial.

**B. Alternate dispute resolution**

The Parties agree that mediation is an appropriate ADR method. The Parties further agree to use best efforts to attempt ADR by 60 days before date of trial.

**C. Related cases**

There are no related cases.

**D. Discovery management**

1 The Parties have agreed to work cooperatively in discovery to minimize discovery-  
2 related expenses where possible. The Court also has issued a Standing Order that sets forth the  
3 process for Parties to manage discovery disputes. The Parties have no other proposals for  
4 discovery management at this time.

5 **E. Anticipated discovery sought**

6 The Parties anticipate discovery related to the claims asserted by Plaintiffs in the  
7 Complaint and defenses raised by Defendants. See paragraph 1(B) above.

8 **F. Phasing motions**

9 The Parties do not propose any phasing of anticipated motions at this time.

10 **G. Preliminary issues relating to the preservation of discoverable information**

11 The Parties agree to take reasonable and proportional steps to preserve potentially  
12 relevant information relating to the claims and defenses in this case. In addition, the Court has  
13 signed a Stipulated Order (Dkt. no. 26) regarding the preservation of certain discoverable  
14 information.

15 **H. Privilege issues/procedures**

16 Given the nature of the dispute, privilege issues may arise regarding whether attorney-  
17 client and/or work product privileges apply to otherwise discoverable documents and  
18 information. See paragraph 1(D) above for agreed-upon procedures for handling production of  
19 privileged information.

20 **I. Model Protocol for Discovery of ESI**

21 At this time, the Parties do not propose any modifications to the Model Protocol for  
22 Discovery of ESI. The Parties agree that they may, by written stipulation signed by all Parties,  
23 make modifications if the need arises.

24 **J. Alternatives to Model Protocol**

25 The Parties have agreed to adhere to the Model Protocol and do not propose any alternatives.  
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1 Dated: January 4, 2021

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